

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>KASINE DELESTON,</b>	:	<b>Civil No. 3:20-cv-1678</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>WARDEN DOUGLAS K. WHITE,</b>	:	
	:	
<b>Respondent.</b>	:	
	:	<b>Judge Sylvia H. Rambo</b>
	:	
		<b><u>ORDER</u></b>

AND NOW, this 22nd day of April, upon consideration of the report and recommendation (Doc. 10) of Chief Magistrate Judge Mehalchick recommending the court grant Petitioner Deleston’s request to withdraw his Petition for habeas corpus submitted pursuant to 28 U.S.C. § 2241 but deny his request to seal the records (*see* Doc. 9), and it appearing that Deleston has not objected to the report, *see* FED. R. CIV. P. 72(b)(2), and the court noting that failure of a party to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” *Nara v. Frank*, 488 F.3d 187, 194 (3d Cir. 2007) (citing *Henderson v. Carlson*, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal issues raised by the report,” *Henderson*, 812 F.2d t 878; *see also Taylor v. Comm’r of Soc. Sec.*, 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing *Univac Dental Co. v. Dentsply Int’l, Inc.*, 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)),

in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following independent review of the record, the court being in agreement with the recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report and recommendation (Doc. 10) is ADOPTED.
2. The petition (Doc. 1) is DEEMED WITHDRAWN.
3. The Motion to Expedite (Doc. 5) is DENIED AS MOOT.
4. The Clerk of Court is directed to CLOSE the above-captioned action.
5. Any appeal from this order is deemed to be frivolous and not taken in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/Sylvia H. Rambo  
United States District Judge